

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
NORTHERN DIVISION

GERALD NOVAK and ADAM WENZEL,

Plaintiffs,

Case No. 1:21-cv-12008

v.

Honorable Thomas L. Ludington  
United States District Judge

WILLIAM FEDERSPIEL,  
in both his official and personal capacities,

Defendant.

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**STIPULATION AND ORDER**

The parties, by and through their respective counsel of record, hereby stipulate and agree to the entry of following order wherein thereafter Plaintiffs will promptly dismiss their three pending appeals to the United States Court of Appeals for the Sixth Circuit (Docket Nos. 22-2088, 22-2104 and 23-1024) set for oral argument on July 19, 2023:

1. Defendant will not destroy, sell or otherwise dispose of the firearms that are the subject of this present litigation, until the conclusion of this present litigation including any appeals.
2. The Plaintiffs and Defendant withdraw their unresolved motions without prejudice regarding renewal of those motions.
3. Plaintiffs Novak and Wenzel may file a First Amended Complaint within 14 days of entry of this order.
4. Defendant Federspiel shall have 21 days from the date of filing the first Amended Complaint to file an answer to the First Amended Complaint, and will do so, if a First Amended Complaint is filed, before filing any motion.

5. If a First Amended Complaint is not timely filed Defendant Federspiel shall have 21 days after date the Amended Complaint is due to file an answer to Plaintiffs' original Complaint, and will do so, before filing any motion.

6. Plaintiffs Novak and Wenzel shall not file any motion until Defendant Federspiel has filed his answer to the Complaint or Amended Complaint.

7. Upon entry of the below proposed order, Plaintiffs Novak and Wenzel shall promptly dismiss their appeals to the United States Court of Appeals for the Sixth Circuit (Docket Nos. 22-2088, 22-2104 and 23-1024).

*/s/Philip L. Ellison*

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PHILIP L. ELLISON (P74117)  
Outside Legal Counsel PLC  
Attorney for Plaintiffs

*/s/Timothy S. Ferrand*

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TIMOTHY S. FERRAND (P39583)  
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Attorney for Defendant

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**ORDER ENTERING INDICATIVE RULING UNDER CIVIL RULE 62.1**

Having reviewed the Parties' attached Stipulation and Civil Rule 62.1, and this Court otherwise being fully advised in the premises:

It is **ORDERED** that an indicative ruling is **ENTERED** that the Stipulation would be granted if either the Sixth Court of Appeals remands the case for that purpose under Federal Rule of Appellate Procedure 12.1(b) or the three pending appeals are dismissed. *See* FED. R. CIV. P. 62.1(a)(3).

Further, it is **ORDERED** that the Parties are **DIRECTED** to notify the Sixth Circuit clerk of this Order promptly under Federal Rule of Appellate Procedure 12.1(a) regarding case numbers 23-1024, 22-2088, and 22-2104.

**This is not a final order and does not close the above-captioned case.**

Dated: July 6, 2023

s/Thomas L. Ludington  
THOMAS L. LUDINGTON  
United States District Judge